

**RECEIVED**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JUL 7 2008 *new*  
JUL 7 2008  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

Dawayne Tolliver

Judge Manning

Magistrate Judge Nolan

(Enter above the full name  
of the plaintiff or plaintiffs in  
this action)

vs.

Case No: 08C 0198  
(To be supplied by the Clerk of this Court)

J. Pentimone Police Officer Badge #6054 Chicago, Police Department  
3340 W. Fillmore, Liability of Supervisory Officers, Other Officers  
present at the scene, Individual Officer with immediate contact  
with the plaintiff, On 9-28-07, Police Officer Dobek from SSSS  
W. Grand Central Police Department for denied me Medical  
Attention for Medical Treatment in their individual capacities

(Enter above the full name of ALL  
defendants in this action. Do not  
use "et al.")

CHECK ONE ONLY:

Lieutenant or Captain whom check the surveillance  
camera on 9-28-07 also Dan S intake and Dan H Cook

SECOND AMENDED

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983  
U.S. Code (state, county, or municipal defendants)

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE  
28 SECTION 1331 U.S. Code (federal defendants)

OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR  
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

**I. Plaintiff(s):**

- A. Name: Dawayne Tolliver
- B. List all aliases: \_\_\_\_\_
- C. Prisoner identification number: 20070072569
- D. Place of present confinement: Cook County jail
- E. Address: P.O. Box 089002, Chicago, Ill. 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

**II. Defendant(s):**

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Jerry Pentimone  
 Title: Police Officer 6034  
 Place of Employment: 3340 W. Fullmore
- B. Defendant: Dobek  
 Title: Police Officer  
 Place of Employment: 5555 W. Grand Central Police Station
- C. Defendant: Other Officers present at the scene *To be Subpoena*  
 Title: Police Officer John Doe  
 Place of Employment: Chicago Police Department

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

Individual Officer with immediate contact with the plain

Individual Officer John Does *To be Subpoena*

Chicago, Police Department

Revised 9/2007

Ability of Supervisory Officers

Police Officers Officer John Does *To be Subpoena*

Chicago - Police Department

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: Dawayne Tolliver vs Cook County Administrator  
Dawayne Tolliver vs Cook County Jail O.S. 6613
- B. Approximate date of filing lawsuit: 1-5-06, 10-3-06, 11-27-07, 11-29-07, 12-3-07  
9-23-93, 1-9-08, 1-9-08, 1-9-08
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: N/A  
Dawayne Tolliver
- D. List all defendants: Cook County Jail, Cook County Administrator  
Cook County Sheriff, City of Chicago, John Stroger Hospital, Proden A  
Hospital, Police Det Rias James Perry, Superintendent Dent Snooks  
Jerry Pentimone Chicago, Police Department
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Northern District of Illinois, Eastern District
- F. Name of judge to whom case was assigned: Judge Gettlerman
- G. Basic claim made: No Medical Treatment,  
Living Conditions
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): yes still pending
- I. Approximate date of disposition: I haven't had one yet

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

Names of cases and docket number Dwayne Toller Vs Chicago Police Officer Jen Kins

Approximate date of filing lawsuit Sept. between Oct 1993/1-5-06/10-2/07  
9-27-93 1-9-08, 1-9-08, 1-9-0 12-3-07

List all plaintiffs [if you have CO-plaintiffs] including and aliases N,

List all defendants: Cook County Sheriff, Cook County Administrator,  
Chicago Police Officer Jen Kins, City of Chicago, James Navy, J Pentimov  
Prodent Hospital, John Stroger Hospital, Superintendent Snooks  
et al, Cook County Medical Staff, Edwin A Burnette, Richard  
GOS Richard A Devine, Mark Douglas, Assistants John Does  
Police Officers John Does

Court in which the lawsuit was filed. If federal court, name  
the district, if state court name the county: Northern  
District of Illinois Eastern District

Name of judge to whom case was assigned: Judge  
Aspen, John W. Barrak, Gettleman

Basic claim made: Police Brutality of Misconduct, No Medical  
Treatment

Disposition of this case for example: Was the case dismissed?  
Was it appeal? Is it still pending? yes it still  
pending

Approximate date of disposition? No, It haven't happen  
yet still waiting

#### IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

I was denied Medical Treatment from Grand Central Police Station 9-23-07 Deliberate Indifference for Hospital Liability of Supervisory Officers, Other Officers present at the scene, Individual Officer with immediate contact with the plaintiff, On 9-23-07 Although the Supervisors weren't actually present at the scene they are liable for acquiescing their unlawful activities of having prior complaints of Misconduct this particular Section 3340 West Fillmore, Special operation. Supervisor failure to act has amounted to rough, reckless and even deliberate indifference to my constitutional rights. When Misconduct of these subordinates reached me when I was stopped without reason, questioned on the spot, searched, then disrobed. I matched the description - in part. Of a wanted suspect. Then with this, the Officer J. Pentimone # 6094 Violated the privacy of my body, an act that was so offensive and undecent, in search of drugs. The said officer tugged on the waist band of my pants to have clear view of my genitals and then my rear area using a piece of trash, this being a stick of some sort from the ground to dig in my ass cheek in search of heroine, in public.

making false allegations and furthermore signing and filing a Complaint, falsely against me Allegation of, watching me commit a crime, but at the same time detained an innocent person, just as myself, in search of their suspect. Why stop another person if observed me committing a crime. Upon discovery of my red shirt. A partial description to their suspect. I was then made this officer's wanted suspect. This officer J. Pentimone gave my property this being the article of clothes I was disrobed of to match or made to match in partial a person being sought for drug sells. A Black hoodie and cell phone and they not only tried to deprive me of my property, but my currency as well, freedom too and to give him a gun he would let me go free, and this is a violation of my Constitutional Civil Rights under the United States of America. And on my arrival to 5555 W. Grand Chicago Police Station I was denied Medical Treatment from the Liability of Supervisory Officer, Other Officer present at the scene, Individual officer with immediate contact with the plaintiff. On 9-23-07 when I "Dwayne Toller" was denied Medical Attention, and I was ignore for Medical Treatment

Although the Supervisors weren't present at the scene they are liable for acquiescing their unlawful activities of abuse of power by failure to act has amounted to rough, reckless search of the indecent act to my body privacy in search for drugs, [dig some sort of stick in my ass cheeks]. Which I have been trying to get Medical Attention for Medical Treatment and to no avail. I was ignore, disregard at 5555 W. Grand & Central Police Station, which I was there all day yelling for assistance and not once would anyone assist me, and then came a white-shirt I yell and call for him but to no avail he just ignore me, after he came and straight out the surveillance camera a Lieutenant or Captain John Doe. he left exit the door. I have been trying to get Medical Treatment for my butt and it took months. Because when I arrived at the Cook County jail intake 9-24-07 I was told by an Dr Assistant John Doe that seem me, tell it to the judge in Div 5, 9-24-07 and now I was sent to Div 11 and I put in Medical forms, request slips, and finally I had to write up some grievances on the



subject because I still wasn't getting any assistance for my Medical problem. my butt. being sore and in pain. so I got some more grievances and kept on writing them up. And finally I was seen. but it took months from 9-24-07 To 1-15-08 To be seen by an Doctor in Div 11 and he gave me some things for me to take to have bowel movements. But I couldn't receive any from grandd central Police Department Officers 9-23-07 John Does by the Police Officers that was at the scene is liable. they never try to prevent it from happening or to assist me with medical attention for treatment I couldn't get for some reason from grandd Central Police Department. Police Officer on duty hearing me crying out for assistance and couldn't get any help. All because of "Jerry Pentimone" <sup>#605410</sup> violated my privacy of my body an act that was so offensive and undecent, in search of drugs, the officer tugged on the waist band of my pants to have clear view of my genitals and then my rear area - using a piece of trash, [this being a stick of some sort] from the ground to dig in my ass cheek in search of heroin in public without any Medical Treatment for my butt being

VI. Relief:



mess up and still I have to live that moment over, over again in my sleep which awakes me every night, because the pain I feel in my butt because I couldn't get the Medical Treatment while I was in custody of the Police Department for Medical Treatment for Medical Attention since this incident happen to me, this will be offensive to any human being - deprivation for Medical Treatment for my injury from Grand Central Police Department John Deets and Officer Dobek, J. Pentimone 6054 and other John Deets Police Officer's

**V. Relief:**

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

To be compensate for physical pain and  
 mental anguish and inflicting cruel and  
 unusual punishment on me suffering  
 hurt and pain to straighten them  
 policy  
 Ten million Dollars

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

**CERTIFICATION**

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Dawayne Tolliver  
 (Signature of plaintiff or plaintiffs)

Dawayne Tolliver  
 (Print name)

20070072569  
 (I.D. Number)

P.O. Box 089002  
Chicago, Ill, 60608  
 (Address)

Dawayne Tolliver 20070072569  
P.O. Box 089002  
Div. II DG  
Chicago, Ill. 60608

Magistrate Judge Nolan  
Judge Manning  
Case No# 08 C 0198

I Dawayne Tolliver in respect to the court, I'm sending grievance forms, from the Cook County jail showing since that incident happen for me to receive Medical Treatment 9-24-07 when I arrived at the Cook County jail do to the encounter with Police Officer. On 9-23-07 no medical attention or treatment I receive and now, it took the Cook County jail 4 Months to receive any kind of concern by me writting up an grievance to receive any assistance about my butt being hard real hard bowel movement is none thats one of the problems I'm having concerning this issue or the pain I have been having and crying because of what the Officer did to me now they give me some kind of pills to have bowel movement, but nothing for the pain. Also I was i

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Part-A / Control #: 208X0095Referred To: Cornick☐ Processed as a request.

## COOK COUNTY DEPARTMENT OF CORRECTIONS DETAINEE GRIEVANCE

Detainee Last Name: Tolliver First Name: DawayneID #: 2007-0072569 Div.: 11 Living Unit: DG Date: 1/24/08

BRIEF SUMMARY OF THE COMPLAINT: I haven't receive any Medical Treatment for my butt being hurt do to my encounter with the Chicago Police Officer the day of my arrest 9-23-07 when I start complaining about it 9-24-07 when I arrived at the Cook County jail and it took all this time me putting Medical forms, requests slips, and now grievances concerning the abuse I took from the Police Officer on that day. I am having problems using bowEl movements and my ass is sore do to the pain I am feeling from the undecency expectation of privacy Violated by Police Officer, I still looking for Medical Treatment

NAME OF STAFF OR DETAINEE(S) HAVING INFORMATION REGARDING THIS COMPLAINT:

I have inform the Medical Staff here in Div, 11 1-15-08

ACTION THAT YOU ARE REQUESTING:

To receive medical Treatment

DETAINEE SIGNATURE: Dawayne TolliverC.R.W.'S SIGNATURE: [Signature]DATE C.R.W. RECEIVED: 1/25/08

Please note: Decisions of the "Detainee Disciplinary Hearing Board" cannot be grieved or appealed through the use of a grievance form.  
All appeals must be made in writing and directly submitted to the Superintendent.

Part-A / Control #: XReferred To: Program Services☒ Processed as a request.

## COOK COUNTY DEPARTMENT OF CORRECTIONS DETAINEE GRIEVANCE

Detainee Last Name: Tolliver First Name: DawayneID #: 2007-0072569 Div.: 11 Living Unit: C.C. Date: 2/13/08

BRIEF SUMMARY OF THE COMPLAINT: I received my appeal and it is a lie I Dawayne Tolliver never refuse any medical examine it was Doctor Yu Being Unprofessional toward me, They are trying to make it look like I refuse and I never did that's a lie. I never sign anything refusing Medical Treatment that's why I wrote a grievance on that issue on Doctor Yu Unprofessional Medical Treatment and I never heard anything on that grievance I wrote on D.C. and Social Worker Martinez has it and I still working on a reply

NAME OF STAFF OR DETAINEE(S) HAVING INFORMATION REGARDING THIS COMPLAINT:

I am a social worker Martinez has it and I still working on a reply

ACTION THAT YOU ARE REQUESTING:

I have been stop by on the I never refuse treatment and I have a letter that was sent to the hospital and I have a letter that was sent to the hospital and I have a letter that was sent to the hospitalDETAINEE SIGNATURE: Dawayne TolliverC.R.W.'S SIGNATURE: Joe WalDATE C.R.W. RECEIVED: 2/15/08

Please note: Decisions of the "Detainee Disciplinary Hearing Board" cannot be grieved or appealed through the use of a grievance form.  
All appeals must be made in writing and directly submitted to the Superintendent.

## C.C.D.O.C. DETAINEE GRIEVANCE FORM PROCESSED AS A REQUEST

## Please Note :

- If the detainee is not satisfied with the response and/or attempt at resolving this issue, the detainee may resubmit the concern and it will be processed as a grievance.
- When processed as a request, an appeal of the response and/or action taken cannot be made.
- When processed as a request, PART-B is not applicable.

Detainee's Last Name: Tolliver First Name: Dwayne

ID#: 2007-0072569 Div: 11 Tier/Living Unit: CC

Date of Request: 2/13/08 Date C.R.W. Received Request: 2/15/08

This request has been processed by: Joe Wokha Dean C.R.W.

## Summary of Request:

Detainee  
Wants to see a doctor and said  
he didn't want treatment.

## Response and/or Action Taken:

per Cermak Detainee Refused treatment  
all levels of response have been  
exhausted see attached appeal

Joe Wokha Dean  
(Print- name of individual responding)

Joe Wokha Dean  
(Signature of individual responding)

Date: 2/20/08 Div./Dept. 11

Part-A / Control #: X

Referred To: \_\_\_\_\_

☐ Processed as a request.

## COOK COUNTY DEPARTMENT OF CORRECTIONS DETAINEE GRIEVANCE

Detainee Last Name: Tolliver First Name: Dwayne

ID #: 2007-0072569 Div.: 11 Living Unit: DG Date: 1/15/08

BRIEF SUMMARY OF THE COMPLAINT: This issue is concerning the Doctor Carlos Altez 1-15-08 Tuesday Morning I was on sick-call line, and I complain about my ass being sore do to my unfortunately encounter with Police Officer sticking something in my butt. And I wouldn't let Doctor Carlos Altez put his finger's inside of my butt, and he wouldn't put it on file, and now I have to write him up for not doing his job as a Doctor and putting down what happen to my ass, or my butt on 9-23-07 when I complain about it since that time. I need Medical attention

NAME OF STAFF OR DETAINEE(S) HAVING INFORMATION REGARDING THIS COMPLAINT:

The Federal Court Now knows about it also

ACTION THAT YOU ARE REQUESTING:

To have my right to medical treatment for my butt being poke with something inside my butt for treatment

DETAINEE SIGNATURE: Dwayne Tolliver

C.R.W.'S SIGNATURE: \_\_\_\_\_

DATE C.R.W. RECEIVED: 1/15/08

Please note: Decisions of the "Detainee Disciplinary Hearing Board" cannot be grieved or appealed through the use of a grievance form. All appeals must be made in writing and directly submitted to the Superintendent.



Part - B / Control #:

2008X0095

**C.C.D.O.C. DETAINEE GRIEVANCE / REFERRAL & RESPONSE**

\*EMERGENCY GRIEVANCES ARE THOSE INVOLVING AN IMMEDIATE THREAT TO THE WELFARE OR SAFETY OF A DETAINEE\*

Detainee's Last Name: Tolliver First Name: Dawayne ID#: 2007-0072569Is This Grievance An Emergency? YES ☐ NO ☒C.R.W.'S Summary Of The Complaint: Detainee alleges unprofessional  
conduct by M.D. regarding documentationC.R.W. Referred Griev. To: Crank Date Referred: 1/12/08

Response Statement:

Referred to Medical Services

(print - name of individual responding to this griev.)

(signature of individual responding to this griev.)

Date: 1/18/08 Div./Dept. CMS

(print - name of Supt. / Designee / Dept. Admin.)

(signature of Supt. / Designee / Dept. Admin.)

Date: 24 Jan, 08 Div./Dept. Sec 11

(print - name of Prog. Serv. Admin. / Asst. Admin.)

(signature of Prog. Serv. Admin. / Asst. Admin.)

Date: 1/18/08Date Detainee Received Response: 1/25/08

Detainee Signature:

Dawayne Tolliver**REQUEST FOR AN APPEAL**

\*APPEALS MUST BE MADE WITHIN 14 DAYS OF THE DATE THE DETAINEE RECEIVED THE RESPONSE\*

Date Detainee Request For An Appeal: 1/25/08

Detainee's Basis For An Appeal:

This have been to long to receive  
medical Attention since 7-24-07 since I have been  
complaining about this medical problem since I beenAppeal Board's Acceptance Of Detainee's Request: YES ☐NO ☒

Appeal Board's Reasoning / Decision / Recommendation To The Superintendent Or Administrator:

Appeal Board has refused to proceed

Appeal Board's Signatures / Dates:

[Signature] 1/18/08[Signature] 2-5-08Date Detainee Rec.'d the Appl. Bd.'s Response: 1/1

Detainee Signature:

GRIEVANCE CODE(S): ( ) ( ) ( ) ( )

**C.C.D.O.C. DETAINEE GRIEVANCE / REFERRAL & RESPONSE**

\*EMERGENCY GRIEVANCES ARE THOSE INVOLVING AN IMMEDIATE THREAT TO THE WELFARE OR SAFETY OF A DETAINEE\*

Detainee's Last Name: Tolliver First Name: Dawayne ID# 20070272569Is This Grievance An Emergency? YES ☐ NO ☒C.R.W.'S Summary Of The Complaint: Detainee alleges lack of  
medical attentionC.R.W. Referred Griev. To: Carmichael Date Referred: 3/13/08

Response Statement:

Referred to Medical ServicesC. Smith (print - name of individual responding to this griev.) (signature of individual responding to this griev.) Date: 3/13/08 Div./Dept. CHSCapt. T. Evershart SA (print - name of Supt. / Designee / Dept. Admin.) (signature of Supt. / Designee / Dept. Admin.) Date: 03/17/08 Div./Dept. CC00L. Arkov (print - name of Prog. Serv. Admin. / Asst. Admin.) (signature of Prog. Serv. Admin. / Asst. Admin.) Date: 3/14/08Date Detainee Received Response: 3/18/08 Detainee Signature: Tolliver**REQUEST FOR AN APPEAL**

\*APPEALS MUST BE MADE WITHIN 14 DAYS OF THE DATE THE DETAINEE RECEIVED THE RESPONSE\*

Date Detainee Request For An Appeal:     /     /    Detainee's Basis For An Appeal:    Appeal Board's Acceptance Of Detainee's Request: YES ☐ NO ☐Appeal Board's Reasoning / Decision / Recommendation To The Superintendent Or Administrator:    Appeal Board's Signatures / Dates:    Date Detainee Rec.'d the Appl. Bd.'s Response:     /     /     Detainee Signature:    GRIEVANCE CODE(S): (     ) (     ) (     ) (     )

(WHITE COPY - PROG. SERV.) (YELLOW COPY - C.R.W.) (PINK COPY - DETAINEE) (GOLDENROD COPY - DIVISION/SUPT. OFFICE)